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In re Application of
FÜHRER, Jochen, et al.
Application No.: 10/018,269
PCT No.: PCT/EP00/03785
Int. Filing Date: 27 April 2000
Priority Date: 30 April 1999
Attorney's Docket No.: AP9627
For: METHOD FOR PRESSURE
MODULATION OF BRAKE
PRESSURES

DECISION ON

REQUEST

UNDER 37 C.F.R. 1.42

This is a decision on applicants' "Completion of Filing Requirements For International Application Entering U.S. National Stage in the U.S. Elected Office (EO/US)," filed 25 April 2002, which has been treated as a request for status under 37 C.F.R. 1.42.

BACKGROUND

On 27 April 2000, applicants filed international application PCT/EP00/03785. A Demand electing the United States was filed on 23 November 2000, within nineteen months of the priority date. Accordingly, the deadline for submitting the basic national fee to prevent abandonment of the international application as to the United States expired at midnight of 30 October 2001.

On 30 October 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 25 February 2002, the office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors was required.

On 25 April 2002, applicants filed the instant request accompanied by a declaration of the inventors.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the

deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 C.F.R. 1.42.

The declaration provided does not state that the three joint heirs are all of the heirs. If a legal representative has been or is required to be appointed under applicable law, such person must sign the declaration and indicate the relationship, e.g., "legal representative of inventor Michael Latarnik." Otherwise, all heirs of Michael Latarnik must sign the declaration and indicate the relationship, e.g., "sole heirs of Michael Latarnik," or "legal representative of Michael Latarnik." The indication that the heirs are three joint heirs leaves open the possibility that there are other non-signing joint heirs.

CONCLUSION

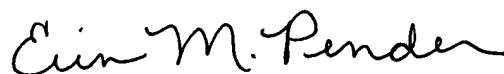
For the above reasons, the request for status under 37 C.F.R. 1.42 is **REFUSED**.

Applicants are required to submit an oath or declaration in compliance with 37 C.F.R. 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. **THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 C.F.R. 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.** Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 C.F.R. 1.42."

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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